

Attorney Docket No.: FRAV2002/0026 US NP

Application No.: 10/665,872

Examiner: Ware, Deborah K

Remarks

In the Office Action, the Examiner noted that claims 1 to 16 are subject to restriction. In particular, the Examiner has given a two-way restriction in accordance with 35 U.S.C. 121 as follows:

<i>Inventions</i>	<i>Class/Subclass</i>
Group I. Claims 1-12, drawn to a method for analyzing heparins.	435/4
Group II. Claims 13-16, drawn to carbohydrate products.	536/1.11

As indicated above, through this response, Applicants provisionally elect invention Group I *with traverse*, namely, claims 1-12, drawn to a method for analyzing heparins. Examiner's imposition of three-way restriction is respectfully traversed below.

Applicants respectfully submit that this two-way restriction as imposed by the Examiner is improper based on the following grounds:

1. There is no undue burden on the Examiner to search for all of the claims as they are in similar classifications.
2. Product, process of making them and their uses should be rejoined pursuant to MPEP 821.04
3. Imposes undue expense and discourages Applicants to maintain a plurality of patents, which is against the constitutional intent to promote the progress of science and technology and thus against the public policy.

Now, we address each one of these issues in greater detail. First, Applicants respectfully submit that the search of all of the claims 1 to 16 should not impose any undue burden on the Examiner. In fact the Examiner has not provided any showing of undue burden in examining these two groups together as required for imposing restriction

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requirement. Nevertheless Applicants respectfully submit that both invention Groups can be searched together imposing no undue burden on the Examiner. Even more importantly, it should be noted that invention Group I is directed to a method for analyzing heparins and invention Group II is directed to carbohydrate products. Thus it is submitted that when the Examiner is searching for one invention group, that itself may facilitate the search of the other invention group. Thus, it should not impose any undue burden on the Examiner to search both of the inventions together. Therefore, Applicants respectfully submit that both inventions be rejoined and examined together.

Secondly, Applicants submit that product and the related process and use claims should be rejoined pursuant to MPEP 821.04. As noted in MPEP 821.04:

"However, if *applicant elects claims directed to the product*, and a product claim is subsequently found allowable, *withdrawn process claims* which depend from or otherwise include all the limitations of the allowable product claim *will be rejoined*. Where the application as originally filed discloses the product and the *process for making and/or using the product*, and only claims directed to the product are presented for examination, when a product claim is found allowable, applicant may present claims directed to the *process of making and/or using the patentable product by way of amendment pursuant to 37 CFR 1.121*.

(emphasis added)

As already discussed above, invention Group I, claims 1-12, recites a method for analyzing heparins. Whereas invention Group II, claims 13-16, is directed to carbohydrate products, i.e., the products used in invention Group I. Thus, it is submitted that invention Groups I and II should be rejoined pursuant to MPEP 821.04, and in further accordance with the new guidelines established by the Office.

Finally, Applicants respectfully submit that this two-way restriction imposes an undue expense on the Applicants and discourages Applicants to maintain a plurality of patents, which is against the constitutional intent to promote the progress of science and technology and thus against the public policy. For these reasons and for the reasons

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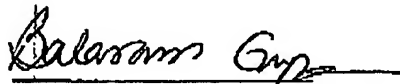
advanced above Applicants request the Examiner to reconsider and withdraw this restriction requirement.

In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

As noted above, Applicants concurrently submit herewith a petition for one-month extension of time to make this response timely. Applicants request the Commissioner to charge these fees and any other fees that are deemed necessary due to this submission to Deposit Account No. 18-1982 for sanofi-aventis, U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

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